

# Principal Certifying Authority Agreement and Contract

**Lodge Agreement** at Ballina Shire Council • 40 Cherry Street Ballina (Mon-Fri 8.15am to 3.00pm)  
**mail** PO Box 450 Ballina 2478 • **e** council@ballina.nsw.gov.au • **abn** 53 929 887 369  
**t** 1300 864 444 • **w** ballina.nsw.gov.au • **relevant insurer** statewide mutual 000037

Ballina Shire Council's Building Services section provides an efficient, quality and cost effective building inspection, approval and certification service to its clients. Use this form if you have chosen Council as the Principal Certifying Authority in your Construction Certificate or Complying Development application.

1. Ballina Shire Council is a certifying authority and employs accredited certifiers who are authorised to carry out the certification work which is the subject of this Agreement on behalf of Council.
2. The Client seeks to engage the Ballina Shire Council to act as the Principal Certifying Authority (PCA) and to perform certification work on the terms set out in this Agreement.

## Development Details

*These details identify the land where the development is to be located.*

Unit / Street Number

Street

Suburb / Town / Locality

Postcode

Lot/DP or Lot/Section/DP or Lot/Strata Plan Number

Briefly describe the type of work you propose to carry out

This Agreement is in accordance with the relevant submitted Development Application.

As the owners of the land subject to the development, I/we agree to the terms of the attached Agreement and hereby appoint and authorise Ballina Shire Council to act as the Principal Certifying Authority (PCA) and its Accredited Certifiers to perform the duties required under the *Environmental Planning and Assessment Act (EPAAct) 1979* and Regulations, as amended.

Owner's Name

Owner's Name

Postal Address

Postal Address

Email Address

Email Address

Phone

Phone

Signature

Date

Signature

Date

*Council to endorse*

| Authorised Ballina Shire Council Accredited Certifiers | Building Professionals Board Accreditation (BPB) Number |
|--|---|
| David Tyler  | 1804  |
| Cathryn Wilson   | 1658  |
| Martin Scott   | 2245  |
| Jessica Noble  | 2284  |
| Nicola Franzoni  | 3261  |
| Ryan Slater  | 2688  |
| Sue Blakey   | 3365  |

*Note: the statutory obligations of accredited certifiers are published on the BPB website*

## Principal Certifying Authority (PCA)/Accredited Certifier Terms of Agreement

### *Building Professionals Act 2005 Clause 73A*

#### 1.0 Role of the PCA/Accredited Certifier

- The appointed PCA/Accredited Certifier is to assess and determine the issue of Construction Certificates, Complying Development Certificates and Occupation Certificates under the *Environmental Planning and Assessment Act (EPAAct)* and the *Building Code of Australia (BCA)/National Construction Code (NCC)*.
- The appointed PCA is to conduct mandatory critical stage progress inspections of certified development in accordance with the *EPAAct*, including the following:
  - Any concrete building element prior to concrete pour including footings, slab, pool/ bond beams and retaining wall core filling
  - Any floor, wall and roof framework prior to cladding
  - Waterproofing of wet areas prior to cladding
  - Stormwater drainage connections prior to covering
  - Final inspection prior to the issue of an Occupation Certificate
  - Prior to covering any required fire protection service penetrations to resist the spread of fire and smoke
  - Prior to covering any internal fire resisting construction bounding a sole occupancy unit or any building element required to resist the spread of fire and smoke
  - Pool barrier fencing prior to the filling of the pool with water and use of the pool.

Note: Additional water and sewer drainage inspections as follows are also required under Section 68 of the *Local Government Act (LGA)* due to Ballina Shire Council being the Water and Sewer Authority:

- Internal/external sewer drainage lines including On-site Sewage Management (OSSM) systems
- Internal rough-in water supply lines
- The appointed PCA/Accredited Certifier is to ensure the development has been carried out in accordance with any issued Development Consent/Complying Development Certificate/Construction Certificate and any relevant conditions contained therein.
- The scope of works covered by the Agreement is limited to building works described in the Construction Certificate or Complying Development Certificate.
- This agreement covers any subsequent modifications made to a development under the appropriate provisions of the *EPAAct*.
- Council's Certifiers may issue directive Notices/Orders under the *EPAAct* upon a building owner(s) should any approval breaches occur.
- The appointed Council Certifiers will provide the appropriate PCA signage on site.

## 2.0 Owner(s) Responsibilities

- The owner(s) are to ensure no construction works have commenced until all necessary approvals are obtained and Council has been appointed as the PCA/Accredited Certifier for the development and a Construction Certificate or Complying Development Certificate has been issued by Council.
- Owners are to ensure all development is carried out in accordance with the issued approvals, including any issued BASIX certificate and modifications to the development are not to be made without the necessary prior approvals being in place.
- The building or building part is not to be occupied until an Occupation Certificate has been issued by Council's Certifiers.
- The owner(s) is to ensure the required Home Builder's Compensation Fund (HBCF) insurance or Owner Builder permit are in place where required under the Home Building Act prior to any construction works commencing.
- The owner(s) is to ensure all tradespersons working on the development are appropriately qualified and licensed where required.
- Building owner(s)/applicants are to ensure their Contracted Builders/Plumbers are made aware of the required inspections to be carried out as required under any issued Construction Certificate or Complying development Certificate or Section 68 LGA approval.
- The building owner(s) are to advise Council in writing/electronic email of any missed inspection as required by the PCA within two days of becoming aware of the missed inspection, detailing the circumstances as to why the inspection had been missed.
- The owner(s) is to notify Council of any changes to the Principal Building Contractor for a development and provide a copy of any required HBCF insurance prior to works proceeding further.
- Any required structural engineering details including footings, slab, pool steel, retaining wall, timber framing bracing/tie down construction, designed in accordance with the BCA/NCC and relevant Australian Standards are to be submitted to Council prior to the commencement of building works.
- The owner(s) are to familiarize themselves with any conditions of consent applied to a Development Consent or Complying Development Certificate prior to construction works commencing, where the owner(s) are to provide copies of the relevant consents to any Contracted Builder prior to works commencing.
- The building development site is to be secured and remain in a safe and healthy condition during the construction phases and any required sedimentation erosion barriers are to remain in place throughout the construction to completion.

## 3.0 Inspections

- Council's Building Services section is to be notified of the above inspections a minimum 24 hours before the required inspection, phone 02 6686 1415.
- Council's Certifiers are generally available for inspections between the hours of 8.15am - 4.30pm weekdays
- Access to the site is to be made available to enable Council's Certifiers to carry out inspections where required.
- Council's Certifiers may direct certain matters to be rectified by the Contracted Builder or owner(s) where a reinspection may be required prior to works proceeding further, additional inspection fees may apply.
- Council's Certifiers will notify the relevant builder, plumber or owner/builder regarding the result of each inspection via the preparation of an electronically emailed inspection report.
- Council's Certifiers may require written third party certifications for various components of the building or development during construction, including however not limited to engineering certification for foundations/footings/slab construction or surveyor verification on required fill/floor levels.
- Council's Certifiers accept no responsibility for the inspection of building components that have been covered or hidden from view or where areas are not generally accessible.
- The inspection process only relates to those mandatory inspections as required under the *EPAA* Act and does not include all building components.
- Failure to carry out mandatory inspections may impact on Council's ability to issue an Occupation Certificate.

#### **4.0 Occupation Certificates**

- The *EPA Act* requires an Occupation Certificate to be issued by the PCA prior to a building or part of a building being occupied, including an application for the “change of use” of a building.
- Council’s Certifiers may issue an Occupation Certificate for part of a building to be occupied or issue an Occupation Certificate with certain matters to be finalized, providing the building is fit for occupation, prior to the issue of a Final Occupation Certificate.
- Council’s Certifiers will issue a Final Occupation Certificate once all mandatory inspections are completed and the development is completed in accordance with any issued Development Consent/Complying Development Certificate/Construction Certificate and any conditions contained therein.
- Council’s Certifiers may require written third party certifications for various components of the building or development to enable the issue of an Occupation Certificate.
- The issue of an Occupation Certificate may be withheld where breaches to an approval have occurred or where relevant HBCF insurances or Owner Builder permits have not been obtained, or required works have not been completed.
- Additional fees may be payable where multiple final inspections are made or where a final inspection is requested five years after the signing of this agreement.

#### **5.0 Certification Service Fees and Charges**

- Council’s certification fees and charges are contained within our annual Fees and Charges booklet available for viewing on Council’s website. These fees are reviewed annually by the Council following public exhibition.
- A written fee quote schedule for Council’s Certification services relating to a particular development is provided by the Building Services section on request.
- All certification fees are to be paid at the lodgement of a Construction Certificate or Complying Development Certificate application with Council.